

TRAINING NOTES



State of Maryland

Department of Public Safety and Correctional Services

Martin O'Malley, Governor, Anthony G. Brown, Lt. Governor
Gary D. Maynard, Secretary

Maryland Police and Correctional Training Commissions

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From the Office of the Executive Director

THE TENTH ANNUAL INSTRUCTORS' CONFERENCE



I want to take this occasion to share some details about the Annual Instructors' Conference that will be held this year on Thursday, October 14, 2010. This marks the tenth anniversary of the Instructors' Conference, and we will be changing the format slightly to celebrate this milestone. This year, we have retained Dr. Ken Bain, Ph.D., as the keynote speaker. He serves as the Vice Provost for Instruction and Director Research Academy for University Learning at Montclair State University in Montclair, NJ and is the author of What the Best College Teachers Do, a book that explains the need to engage students in a student-centered learning environment. His thoughts on engaging students and developing classes that truly challenge the student will resound with us as we face a new generation of students in our academies. In addition, the conference will offer instructors a series of workshops that deliver new information and ideas on such topics as reality-based training, managing juveniles and offenders with mental disorders, classroom presentation skills, and responsibilities to victims of crime. This year's program is shaping up to be one of the best yet offered.

Part of our mission at the Police and Correctional Training Commissions is to provide instructors with resources that will expand their ability to deliver vital information to help keep all public safety employees safe and productive. I am especially looking forward to this year's conference because it will be my first as Executive Director

Annual Instructor's Conference will be held this year on Thursday, October 14, 2010

of the Commissions. Also, I welcome the opportunity to share ideas and experiences with all of the instructors. Please remember to register early as the closing date for registration is October 1, 2010.

We look forward to hosting you at our Tenth Annual Instructors' Conference and to your participation in this exciting educational opportunity.

Inside

Commission Membership and Agency Staff.....	2
Executive Development Institute Update	3
Training, Research & Development Unit	3
Corrections Connections.....	4
Lodging at the Public Safety Education and Training Center	4
MCCPI Update	5
Legal Notes.....	7
Wanted: Police and Corrections Memorabilia	10
Video-Conferencing.....	10
Firearms Training	11
LiveScan Fingerprinting Services	11
We Want to Know	11
EDI Foundations of Leadership.....	12
Executive Development Institute Programs Schedule	12
Approved Training-Police	13
Approved Training-Corrections	13

MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Training Notes July - August 2010 Volume 37, Number 4

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TRAINING NOTES

Training Notes is available online at <http://mdle.net/tnotes.htm>

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EXECUTIVE DEVELOPMENT INSTITUTE UPDATE

by: Theresa Satterfield, Administrator

LEADERSHIP CHALLENGE XIX

The May session on Community Interface with a Core Competency of *Power and Influence* was held in Baltimore at the Hyatt Hotel. The session had an abundance of speakers who provided a unique insight into community partnerships. The June session on Media with the Core Competency of *Ethics and Values* was held at WBAL and received excellent reviews. Graduation took place June 29th at the Ramada in Hanover. Seventeen participants graduated bringing the total number of Leadership Challenge graduates to 461.

LEADERSHIP CHALLENGE XX

The next program will start in September 2010. Application deadline is July 9, 2010. No fees will be required until after the beginning of the new fiscal year. The program is for individuals ABOVE the rank of First Line Administrators as designated by the agency.

EXECUTIVE SEMINARS

Several new and repeat one-day leadership/managerial courses have been added. These programs are receiving high marks. The Executive Development Institute's program schedule is in Training Notes. The schedule is updated as necessary. There is a nominal fee and space is limited. Notices are mailed to the Executive Officer of each agency and to the Academy Directors approximately 6-8 weeks in advance of the program. **These programs are open to all staff, uniformed and non-uniformed alike, who want to be better leaders and managers.** The 2010/2011 Calendar of Executive Seminars is available. Several new topic areas have been added. Check www.mdle.net for more details.

MID-MANAGEMENT PROGRAMS--CORRECTIONS

A program will be scheduled once per year.

WORKLOAD ANALYSIS AND RESOURCE ALLOCATION

The next programs are scheduled for Nov. 30-Dec. 1, 2010.

LEADERSHIP SCHOOL

Multiple classes are scheduled. See the Institute's Program listings for specific dates. Classes are filling fast.

WOMEN LEADERS IN PUBLIC SAFETY SERIES

Several additional topics have been added. See the Institute's Program listings.

CORRECTIONS FOR THE 21ST CENTURY

A program will be scheduled once per year.

TRAFFIC SAFETY SPECIALIST

Traffic Safety Specialist (TSS) is a statewide recognition of training and proficiency of police officers who have attained the requirements of experience, education, and training in Highway Safety and Traffic Enforcement methods and procedures. The TSS is a uniform and consistent recognition and is awarded by the Maryland Police and Correctional Training Commissions (MPCTC). This designation is available to all police officers, deputy sheriffs, and state troopers from any Maryland law enforcement agency that has agreed to participate in this program. Staff will be submitting a grant to the Maryland Highway Safety Office for the continued funding of this project.

The TSS program's information and criteria can be found on our website at www.mdle.net. The number of participants in the program increases daily and an Awards Ceremony for those meeting the requirements is scheduled for Sept. 1, 2010.

POLEX

Staff has submitted a grant to the Maryland Highway Safety Office for funding of the two-week Penn State Police Leadership Program (POLEX) for calendar year 2011. Stay tuned for further developments.

TRAINING, RESEARCH & DEVELOPMENT UNIT

by Jennifer Beskid, Administrator

Scenario-Based Training – A Valuable Addition to Academies and In-Service

An officer arrives at a mobile home on a sweltering day and is greeted by the angry homeowner and his wife. The homeowner is very animated as he moves between the front exterior of his home and its narrow living room inside. The officer is trying to gain control of the situation but finds himself following the owner back and forth. Further complications arise when the owner's wife unexpectedly emerges from the home and gets involved in the conversation. The second officer arrives on the scene, and he expects to be briefed; instead there is little information available because the responding officer has been unable to control the homeowner long enough to have him answer any questions. Eventually, the couple and both officers end up in the mobile home's cramped living room, along with the wife's brother. He is stretched out on the couch and refuses to leave.

With everyone in the same room, the responding officer is able to determine that the brother has been living with the couple in their mobile home for approximately four months. He is unemployed and spends most of his time drunk on the couple's couch. They want him to leave, and they want the officers to escort him out. Ultimately, the officers provide the couple with advice on how to have the brother evicted as well as information

Continued on page 4

CORRECTIONS CONNECTION

by Jane Sachs, Administrator

Are you certified with the Police and Correctional Training Commissions (PCTC)? How do you know? The best way to know is if your employer has given you an official certification card issued by PCTC. This occurs yearly, and if you have not received one recently, then you may not be currently certified.

It has recently come to our attention that there are mandated correctional personnel working in facilities who are not certified. According to Code of Maryland Regulation (COMAR), anyone working directly with offenders in the State of Maryland must be certified. This certification process begins when a hiring agency submits a completed Application for Certification (AFC) request. Once certified, a mandated employee must then meet Commission training standards that include the completion of an approved Correctional Entrance Level Training Program (CELTP). Furthermore, to maintain certification, each mandated employee must complete 18 hours of in-service training.

We have discovered that there are corrections staff who attended a CELTP for whom an AFC was never submitted; likewise there are individuals who received provisional certification who did not complete a CELTP. Another concern relates to a corrections officer who has transferred from one agency to another. Such an individual might erroneously assume that the certification transferred as well. In actuality, the certification ends with the end of employment in the initial position. While recertification is a simple process, it requires that the hiring agency submit a new AFC so that PCTC can issue the recertification.

This may all seem to be bureaucratic red tape; however, these are the regulations in COMAR that we all must follow. The intention is not to try to "catch" uncertified staff and admonish them and/or their agen-

cies. However, we must ensure that everyone who needs to be is certified. At times we are asked to testify in court concerning the certification of a correctional employee. It would be unfortunate to find, in such a situation, that the employee is not and never was certified. At that point, the damage is done, and one common resolution is a monetary settlement paid by the agency. While nothing can undo the past, we must help employers guarantee that their employees hold current certifications.

If you want an updated list of all certified staff in your agency, please call Patricia Parham (410-875-3406) or Carolyn S. Allen (410-875-3524) in the Certification Unit; they will print a roster of currently certified staff in your agency and send it to you. If there are names missing from that list, please notify us so we can assist you in bringing these people into compliance. We are the government, and we are here to help. Really!

Continued from page 3

Scenario-Based Training – A Valuable Addition to Academies and In-Service

about homeless shelters. More bickering ensues concerning the brother's continued stay until the training officer calls a halt to the discussion.

Finally, everyone involved breathes a sigh of relief and reaches for towels, water bottles, and anything else that will help cool them off. The officer candidates are debriefed about the entire experience--their responses, their control of the situation, the amount of time it took to handle the situation, etc. When the debriefing is over, the candidates ask practical questions about where they placed themselves within the home, how they managed the people and the circumstances, and how they interpreted the laws and applied policy and procedure. Feedback is provided not just by the training officer but also by the experienced officers enacting the scenes.

Continued on page 6

AFFORDABLE LODGING AT THE PUBLIC SAFETY EDUCATION AND TRAINING CENTER



Dormitory style rooms are available Sunday-Thursday nights for personnel attending training at the Public Safety Education and Training Center, including the Firearms and Driver Training Facilities. Both single and double occupancy rooms are available. Each room has a private bath and all are equipped with telephones, televisions, and radio alarm clocks. Wireless Internet access is available in all rooms. The cost is \$20 per bed per night.

For additional information or to make a reservation, contact Joanne Cunningham at 410-875-3402 or at registrar@pctc.state.md.us.

**MARYLAND COMMUNITY CRIME
PREVENTION INSTITUTE
MCCPI UPDATE**

by Patricia L. Sill, Administrator

NATIONAL NIGHT OUT

The National Association of Town Watch (NATW) once again sponsored National Night Out Against Crime throughout the country. Now in its 27th year, this event took place on Tuesday, August 3, 2010. This is a national crime prevention demonstration during which residents are asked to turn on outdoor lights and spend time outside with their neighbors and local law enforcement. It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals, letting them know that neighborhoods are organized and fighting back.

Last year's National Night Out campaign involved citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local officials from over 15,000 communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide. In all, over 36 million people participated in National Night Out in 2009. Many communities throughout Maryland planned activities such as crime prevention fairs, block parties, cookouts, walks, and McGruff appearances for this year's celebration.

As their website states, "National Night Out has proven to be an effective, inexpensive, and enjoyable program to promote neighborhood spirit and police-community partnerships in our fight for a safer nation." This event was very successful.

More information can be obtained from the National Association of Town Watch at 1-800-NITE-OUT or on their web site at www.nationaltownwatch.org.

RESIDENTIAL CRIME PREVENTION TRAINING PROGRAM

MCCPI's final *Residential Crime Prevention Training Program* for 2010 has been scheduled for October 4-7, 2010 at the Public Safety Education and Training Center (PSETC) in Sykesville, MD. This program is free of charge and has been approved for 26 hours of in-service credits.

For more information on this program, contact Leo French at 410-875-3427.

CURRENT TRENDS VI

Please mark your calendars for September 20-21, 2010. The first session of "Current Trends VI: Enhanced Crime Prevention" will take place on those dates, at the PSETC in Sykesville. The tentative topics are:

Outlaw Motorcycle Gangs; Street Gangs Update; Drugs Update; Homeland Security Today; Sexual Predators on the Internet; Bullying and Cyber Bullying; School/Campus Security; and False IDs.

For more information on Current Trends VI, contact Bruce Lohr at 410-875-3422 or at blohr@dpscs.state.md.us.

MARYLAND CRIME PREVENTION ASSOCIATION

The Maryland Crime Prevention Association (MCPA) is a collaboration of crime prevention practitioners throughout the state. Members include police, sheriffs, correctional and security professionals, business people, and community leaders. Its mission is to facilitate the promotion and advancement of crime prevention information and activities in Maryland. The Association is committed to effective and efficient crime prevention programming throughout the state.

In partnership with MCCPI and the Garrett County Sheriff's Office, MCPA will be offering a training on September 30, 2010 in the Oakland/Deep Creek area of Garrett County. The training will address Sexual Predators on the Internet, Cyber Bullying, and Financial Exploitation of Seniors. It will run from 10:00 a.m. to 3:00 p.m. and will be open to law enforcement and community members. Cost is free and lunch will be included. The training has been approved for four police in-service credit hours. For more information on this training, contact Bruce Lohr at 410-875-3422 or at blohr@dpscs.state.md.us.

Plans are also underway for MCPA's Annual Conference, to be held in the fall in Ocean City, MD.

For information on membership, other training programs available, etc., visit the MCPA website at www.mdcrimeprevention.org.

MARYLAND STATE TRIAD NETWORK

"Triad" is a grassroots concept of partnerships that brings police departments, sheriffs' offices, criminal justice practitioners, senior volunteer groups, and senior service providers together for the sole purpose of identifying ways to reduce the criminal victimization of the elderly.

The Maryland State Triad Network meets quarterly in Annapolis, and meetings are open to the public. Meetings feature a guest speaker as well as an opportunity for attendee information exchange. Remaining Network meetings for 2010 are set for September 14 (Law Enforcement and Older Drivers) and December 14 (topic to be determined).

Maryland's 17th Annual Triad Conference is being planned for the fall of 2010 in the Montgomery County area. If you would like to know more about the efforts of Triad, contact the MCCPI office at 410-875-3425.

Continued on page 6

GOVERNOR'S CRIME PREVENTION AWARDS



Each year the State of Maryland honors law enforcement agencies, officers, citizens, and programs for their contributions to the furtherance of crime prevention programming in Maryland. MCCPI would like to take the opportunity to highlight some of these efforts through Training Notes. In this issue we are featuring the ***I-WATCH @Kennedy Krieger Institute (KKI)*** program.

The ***I-WATCH*** Program was developed to afford KKI's security force the opportunity to increase staff involvement in its efforts to maintain a proactive crime prevention program. While KKI has been very fortunate to have staff support its crime prevention efforts, they wanted to get them more directly involved in maintaining that interest. For a small security staff with over 2,000 KKI staff, located at 16 plus facilities spread throughout Baltimore City and County, Montgomery County, etc., keeping them all informed is very difficult.

A committee was formed to expand the staff involvement and the decision was made to take the Neighborhood Watch Program and modify it to suit the needs of a private-sector business organization. Over 180 staff volunteered to serve as coordinators, and almost every KKI department and facility was represented.

The program was implemented when the senior management group gave them the approval to move forward with it. The P/R department was involved in the selection of the program name and related poster. It was advertised via KKI's *Security Informer* and over e-mail and received overwhelming response from staff who volunteered to participate. A short but appropriate training program for participants of the program was also established.

Based on information received from the National

Neighborhood Watch Program, ***I-WATCH@Kennedy Krieger Institute*** is the first time the national program has been introduced in a private sector security environment. The program maximizes the ability of security to be proactive in its efforts to provide a safe and secure work environment. Also, very significantly, KKI has been able to maintain a 93% reduction in crime since implementing the "TEAM" approach to crime prevention.

For more information on the ***I-Watch@Kennedy Krieger Institute*** program, contact the Kennedy Krieger Security Department at 443-923-7700.

The Institute hopes to feature other awards recipients in future editions of Training Notes. If you are interested in learning more about their accomplishments or about the Governor's Crime Prevention Awards Program, call the MCCPI Office at 410-875-3425.

Continued from page 4

Scenario-Based Training – A Valuable Addition to Academies and In-Service

It was evident to everyone involved that the academy instructors had done a good job of providing these officer candidates with the practical knowledge that they were able to utilize; the skill side of handling calls would come with additional experience. Invaluable to the training was the sweltering heat and the very realistic setting in the mobile home.

Next, the training officers present another scenario. This one sent experienced officers to a courthouse where shots had been fired. Officers in protective equipment entered with their weapons drawn, worked their way through cubicles, and headed down corridors with poor visibility. At the end of the day, it didn't matter that the "courthouse" was the training agency's physical training room, that mannequins and pictures of bad guys taped to punching bags and old equipment represented the perpetrators, and that old office partitions created the hallways that these officers navigated. During the debriefing, each team of experienced officers quickly learned that they failed to conduct a thorough search in one area and stayed too close to a wall in another area. Both of these failures could have resulted in officer injury or death during an actual police response.

What impressed me most about both of these scenario-based training episodes was the ingenuity of the training staff in putting these scenarios together. Despite their tight budgets, both departments I visited used creativity, ingenuity, and handouts to give officers a feel for the types of settings in which they will work and to prepare them for the very realistic conditions in which they will daily perform their duties.

LEGAL NOTES

by Daniel J. Roe, Assistant Attorney General,
Maryland Police and Correctional Training Commissions

MARYLAND

Evidence: The Rule Against Hearsay and Criminal Procedure: Is Defense Counsel Discharged Upon A Simple Request From A Defendant?

At 3:45 in the afternoon on June 22, 2006, Trooper Jeremy Gussoni of the Maryland State Police and Scott Myers, a State Police Academy candidate, stopped the appellant, Alphonso Garner, who was driving on U.S. Route 301 in Queen Anne's County, for no less than three minor traffic infractions. The appellant immediately handed Trooper Gussoni an identification card and volunteered that his driver's license had been suspended. Trooper Gussoni verified the fact that the driver's license had been revoked. Trooper William Heath arrived on the scene and arrested the appellant for driving on a revoked license. A search incident to Garner's arrest revealed 13 individually wrapped baggies containing what turned out to be cocaine "secreted in the vehicle's glove box, inside a fuse box." The aggregate weight of the cocaine was 6.9 grams.

Garner was charged and convicted in the Circuit Court for Queen Anne's County for possession of cocaine with intent to distribute and related offenses. Garner concedes that the State's evidence was sufficient to establish that he committed those offenses on the afternoon of June 22, 2006, but he argues that there are two reasons why he is entitled to a new trial: (1) the Circuit Court erroneously admitted hearsay evidence of what was said by an unknown person who had placed a call to Petitioner's cell phone, and (2) the Circuit Court failed to comply with the requirements of Md. Rule 4-215 when ruling on his request to discharge his trial counsel. His arguments were rejected by the Court of Special Appeals (CSA) and he requested that the Court of Appeals (COA) issue a writ of certiorari on four specific questions related to his two above-referenced arguments. The COA accepted his writ of certiorari and affirmed the CSA's rulings.

ISSUE I: Can the substance of a call from an unknown person that is placed to the cell phone of a suspect be used in court?

In examining the first issue, we need to review the specific facts that form the basis for Garner's argument that a statement made by an unknown person was improperly admitted into evidence. The facts show that after Garner had been arrested and was being processed at the police station, a cell phone that had been ringing "non-stop" according to Trooper Gussoni, began to ring once again. When the Trooper picked up the phone, a caller on the other end of the line who sounded like a male caller said "yo, can I get a 40?" When the Trooper

asked the caller for his name, the caller hung up the phone. The State relied upon the caller's utterance to characterize Garner's possession [of narcotics] as commercial in nature and not as simple possession for personal use. During his opening statement, the prosecutor told the jurors that the caller "said he needed a 40 . . . you'll hear from Corporal Michael a 40 is slang for a \$40 piece of cocaine." Garner objected through counsel on the grounds of hearsay that the testimony being admitted into evidence was hearsay and the objection was overruled. [Hearsay is defined by the Federal Rules of Evidence as a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.] F.R.E. 801(c).

Garner argued that the Circuit Court should have sustained the "hearsay" objection to Trooper Gussoni's testimony about the call to Petitioner's cell phone. The COA held that when a telephone is used to receive illegal wagers or to receive orders called in by persons who wish to purchase a controlled dangerous substance, the telephone becomes an instrumentality of the crime. The COA cited a longstanding Court of Special Appeals case in holding:

The making of a wager or the purchase of a drug, legally or illegally, is a form of contract. *Little v. State*, 204 Md. 518, 522-23, 105 A.2d 501 (1954). There is an offer and an acceptance. The telephoned words of the would-be bettor or would-be purchaser are frequently categorized, therefore, as verbal parts of acts. They are not considered to be assertions and do not fall under the scrutiny of the Rules Against Hearsay. 183 Md. App. at 140, 960 A.2d at 659. We agree with that analysis, which is entirely consistent with the prior opinions of this Court.

The COA also mentioned a number of cases where convictions for gambling offenses and related bookmaking offenses were affirmed based in part on the testimony that was received regarding phone conversations where people were looking to place bets with the defendants. The COA went on to hold that there may be an "implied assertion" in almost any question, and in the case at bar the only assertion implied in the anonymous caller's question was the assertion that the caller had the funds to purchase the drugs that he wanted to purchase. Because the caller's request did not constitute inadmissible hearsay evidence, the rule against hearsay does not operate to exclude evidence of the "verbal act" that established a consequential fact that Garner was in possession of a telephone called by a person who requested to purchase cocaine.

Continued on the next page

ISSUE II: When has defense counsel been effectively discharged from representation?

The second issue taken up on review by the COA was whether Garner effectively discharged his counsel, Mr. Curtis Anderson, before his trial began. Garner argues that his counsel was relieved of their duties under Maryland Rule 4-215 because the docket entry documenting his request to proceed without counsel read: 'Court finds defendant has a right to proceed without counsel today and Mr. Anderson may advise.' The COA disagreed and found that after Garner's case was called for trial and his attorney promptly reported to the Court that Garner "...did not feel that counsel had his best interests at heart..." that the Court properly investigated. The Circuit Court Judge told Garner that he would not be forced to take a plea but that they also would not postpone the matter. After questioning concerning his request to dismiss his attorney, Garner agreed to allow his attorney to remain with him at the trial table. His attorney stated on the record, **"I'm still in the case."**

From that point forward his attorney defended the case on his behalf before the Court and the jury which included: conducting voir dire and selecting a jury, making appropriate pre-trial motions, delivering an opening statement, cross examining state witnesses and calling defense witnesses, making motions during the state's case and at the close of their case for acquittal, and delivering a closing statement. The Court held that his attorney effectively remained in the case as counsel for Garner and that the provisions of MD Rule 4-215 (concerning the effective assistance of counsel when proceeding to trial in a criminal case) never came into play. *Garner v. State*, __Md.App.__ (2010) (2010 WL 1957227).*

Custodial Interrogation--What kinds of words and actions constitute a custodial interrogation before a formal arrest by police during a search?

Thomas Smith timely appealed to the Court of Special Appeals (CSA) his conviction on possession with intent to distribute crack cocaine and possession of crack cocaine. During his pre-trial suppression hearing, the facts concerning the search of his residence showed that a SWAT team had secured the suspected occupants which included Smith, his girlfriend Kathy Magruder, Alan Magruder, and Heather Myers, in restraints. During the search, one of the police officers removed a plastic bag of suspected crack cocaine from Smith's bedroom drawer and while he was walking past Smith, he showed Smith the bag and made an announcement to the other officers that "we are going to arrest everyone that was in the premises and was seen coming and going from the premises."

Almost immediately after the officer announced his intention to arrest Smith and his guests, Smith said, with regard to the drugs that had been displayed to him, "it is all mine." At the time that Smith made the

statement, he had not been read any *Miranda* warnings. Both sides at the suppression hearing argued whether Smith's incriminating statement was the product of police interrogation. The judge at the suppression hearing agreed with the state and found that there was no interrogation of the defendant during the search. The judge stated that the fact that the officer showed the defendant evidence did not invite any invitation to respond and that the defendant's statement was unsolicited.

Smith argues that the announcement that everyone present at the apartment would be arrested, in conjunction with the presentment of some of the incriminating evidence found, constituted interrogation. He cited the Supreme Court case of *Rhode Island v. Innis*, 446 U.S. 291, (1980), for his contention that "any words or actions on the part of the police . . . that the police should know are reasonably likely to elicit an incriminating response from the suspect" amounts to interrogation, and that Smith's response of "it's all mine," should have been suppressed. Smith also offered a Maryland case, *Drury v. State*, 368 Md. 331, 793 A.2d 567 (2002), to further support his position. The State flatly disagreed and argued that Smith's statement wherein he claimed ownership of the drugs was a classic "blurt" and not the product of interrogation and presented a different analysis of both the *Innis* and *Drury* decisions. The State distinguished the *Innis* holding by stating that in order for an officer's actions and statement to be considered interrogation, they "must reflect a measured compulsion above and beyond that inherent in custody itself." The State asserted that no reasonable law enforcement officer would believe that by announcing that everyone on the premises will be arrested and showing the suspect the evidence recovered would likely elicit an incriminating response from the suspect. The State distinguished the *Drury* case in stating that unlike the defendant in *Drury*, Smith was not removed from his home for the express purpose of questioning and the officer did not reveal to Smith that what was recovered during the search was shown to him for the purpose of questioning him.

The Court of Special Appeals then began their own analysis and stated that a prior CSA holding in *Prioleau*, 411 Md. at 639, 643, 984 A.2d at 857, pointed out that not every question posed to a suspect in custody or in a defendant's presence by a law enforcement officer constitutes interrogation and that the critical inquiry is "whether the police officer, based on the totality of the circumstances, knew or should have known that the [words spoken or actions taken] were reasonably likely to elicit an incriminating response." The CSA stated that they are not persuaded that the officer should have known that his actions and words would likely evoke an incriminating response from Smith. The Court's analysis was in part dependent on the fact that Smith was in the hallway when the officer displayed the drugs and the officer did not step in front of Smith in order to elicit a statement from him when displaying the drugs,

Continued on the next page

Continued from page 8

but was merely walking by him when he announced that everyone in the residence was to be arrested. The CSA therefore felt that the officer's actions were not calculated to elicit an incriminating statement.

The CSA also consulted the suppression hearing record and noted the officer's un rebutted testimony that his purpose in showing Smith the drugs was to inform him of why he was being arrested and that he ordinarily shows all suspects the contraband recovered during a drug arrest. The officer also testified that there were no attempts by the police to question Smith about any of the evidence recovered as a result of the search and that his announcement to place everyone under arrest was not directed at Smith.

The CSA then analyzed the *Drury* holding in light of the State's argument and agreed with the State that it was different in part because the defendant in *Drury* was brought to the police station for questioning and the items recovered from his home were also brought to the station and placed in front of the defendant for the express purpose of questioning him. The CSA then analyzed two prior holdings to find cases more on point and analogous to Smith's facts, *Williams v. State*, 342 Md. 724, 679 A.2d 1106 (1996) and *Vines*, 285 Md. at 373, 402 A.2d at 902. In *Williams*, the defendant was placed under arrest and told that it was for two murders. The defendant was then told to remove his earring to which he stated, "you can't get me. I'll just say a girl gave me the card." *Id.* After an officer replied that "[t]his is going to work" and again told the defendant that he was charged with two murders, he then said, "I know I'm never getting out." *Id.* In the *Vines* case the defendant was arrested in his residence during the execution of a search warrant and taken to the police station. After the defendant was booked and given his *Miranda* rights, he was taken to a room where the contraband that was recovered from his house was laid out on a table. He was then properly given a copy of the search warrant and he said that "it was his stuff" and asked "what he could do to help himself out." The Court held that both cases involved officers taking the appropriate steps in arresting, *Mirandizing*, and handling with the defendants and that neither their words nor their actions was an attempt to interrogate the defendants. The CSA held that in the present case, there was no interrogation because an objective observer would not reasonably infer that the officer's statement or conduct was designed to elicit an incriminating response from Smith and that Smith was subjected to neither express questioning nor its functional equivalent. *Smith v. State*, __Md.App.__(2010) (2010 WL 1946720).*

Is a starter pistol always considered a firearm in Maryland?

Leon Walker was charged in the Circuit Court for Baltimore County with, among other things,

possessing a regulated firearm after having previously been convicted of a felony. He was convicted of that sole offense by a jury and received a mandatory five-year sentence. He appealed to the Court of Special Appeals (CSA) on grounds that the Court should reverse his case under the plain error doctrine because the trial judge instructed the jury that a "firearm" is defined "as a handgun such as a pistol, revolver, or starter pistol." The underlying facts showed that Walker fired a weapon at another person and upon a search of his residence a few hours later, a starter pistol was recovered.

During the trial the State called a firearm expert who examined the starter pistol recovered from Walker's house. He told the jury that the starter pistol had several physical characteristics that did not allow it to fire or to be readily modified to fire a projectile by the action of an explosive. His testimony was essential since a firearm in Maryland is defined as: (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or (ii) the frame or receiver of such a weapon. Walker contends that if his testimony is to be believed, he fired a starter pistol which was the same pistol that was recovered from his house and is the same starter pistol that was examined by the firearm expert who found that it was not a firearm. Therefore, it was an error for the Judge to instruct the jury that a (and every) starter pistol meets the definition of a handgun.

The CSA agreed with Walker. However, the court did state that a starter pistol could be considered a firearm when they are readily susceptible to being converted into a weapon that can expel a projectile by the explosion of a projectile but that the present situation did not involve such facts. Moreover, there was no evidence that showed that Walker's starter pistol frame met the definition under of a firearm under section (ii) above.

In Sum, the CSA held that the trial judge erred when he told the jury, *without qualification*, that a starter pistol was a firearm. He should have told the jurors that if they believed appellant's testimony that the weapon he displayed was a starter pistol, [and it was the same starter pistol found in his house and examined by an expert] then the defendant should be acquitted of the charge of possession of a regulated firearm after having been convicted of a felony. The CSA vacated the Judgment and remanded the case to the Circuit Court for a new trial on the firearm charge.

Walker v. State, __Md.App.__(2010 WL 2105631).*

"*" denotes that only the Westlaw citation is currently available.

Use due care in relying on any case summary, and do so only in consultation with applicable federal, State and local laws, and agency policy and procedure. These summaries do not substitute for the advice of legal counsel.



VIDEO-CONFERENCING

We are pleased to announce the availability of video-based teleconferencing at the Public Safety Education and Training Center.

We have equipped one of our conference rooms with a state-of-the-art video conferencing system.



This system will allow you to:

- have live, real-time, face-to-face conversations with persons at up to three separate locations;
- record your meeting on VHS tape;
- view documents, displays, and other materials; and
- scan the conference room 180° to bring attendees on-camera.

Video-based teleconferencing can be set up with any user who has an ISDN connection. MPCTC is able to bring these services to you at NO COST other than our costs for the actual line time of your teleconference.

If you or your staff would be interested in a free demonstration of these resources, please contact: Chris Esser, Electronics Technician, at 410-875-3550 or Joanne Cunningham, Registrar, at 410-875-3402.

MPCTC FIREARMS TRAINING FACILITY

7320 Slacks Road, Sykesville, MD 21784-5893
410-552-6300 Facsimile 410-552-4615

Please note: Due to the new Police Firearms Regulations, Police-only Program Approval forms have been changed. They will be available on the website for your convenience. Click on www.mdle.net, go to Training Programs, and click "Forms," and it will take you to another screen. Scroll down to form needed.

FIREARMS INSTRUCTOR SCHOOL P15048

Fee: \$265.00--Client Agencies/\$290.00--Non-Client Agencies

Two-week basic course certifies student to meet minimum MPCTC Standards. This school will fill quickly. Call 410-552-6300.

October 18-29, 2010

December 6-17, 2010

TYPE 1 & 2 (SCOPED) RIFLE SCHOOL P14728

Fee: \$345.00--Client Agencies/\$365.00--Non-Client Agencies

This **seven day** program is for law enforcement and correctional officers who have successfully completed an Entrance Level Rifle program. It meets the minimum MPCTC requirements for Counter Sniper/Scoped Rifle end user. Students are required to bring a scoped, bolt action rifle and 500 rounds of match grade ammo, preferably the same lot number and type. Class size is limited to 8 students. Contact 410-552-5300.

August 19-20 & 23-27, 2010

GLOCK ARMORER SCHOOL

Fee: \$150.00 includes lunch

We are hosting this school. The course covers design, theory, compatibility, assembly, maintenance, and troubleshooting for the GLOCK pistol. Register online at www.glocktraining.com.

October 5, 2010

RIFLE SCHOOL (Type 3) P14734

Fee: \$150.00--Client Agencies/\$180.00--Non-Client Agencies

This is a **one week** program for law enforcement and correctional officers that is designed to instruct the officer in the basic rifle and meets MPCTC minimum standards. Students are required to bring a M16/AR-15 rifle equipped with iron sights and a military web sling with a metal keeper for length adjustment, 700 rounds of .223 Remington rifle and 100 rounds of handgun duty ammo, duty belt with holster, and a service pistol. Contact Steve Kuhn 410-552-6300 for details. Class is limited to 8 students.

November 15-19, 2010



LiveScan Fingerprinting Services at the PSETC

The Police and Correctional Training Commissions (PCTC) continues to offer LiveScan fingerprinting services to Maryland public safety agencies and to State agencies for employment purposes. Criminal record checks for State employment applicants and for public safety personnel are available at no charge to the requesting agency.

Advance notice is preferred so that we may assure speedy processing of applicants. Please call 410-875-3403 prior to coming. PCTC is providing this service as a part of our continuing commitment to serve the public safety community and the citizens of Maryland.



Have you developed helpful techniques for managing your training requirements?

Do you have any tips or tricks of the trade that make your duties easier?

Would you like to share your knowledge and experience with Training Notes readers all over the state?

Training Notes invites articles from our readers that demonstrate novel solutions to problems that are common to all training managers. Please take a few minutes to share your creativity and hard-earned wisdom with others in this feature of our publication.

Send your article to Helen Mashbaum at HRMashbaum@dpscs.state.md.us.

EXECUTIVE DEVELOPMENT INSTITUTE PROGRAMS

July 2010-June 2011

LEADERSHIP SCHOOL (3 Days) - \$210.00

October	05-07, 2010	Sykesville	August	09-11, 2011	Sykesville
November	16-18, 2010	Sykesville	October	04-06, 2011	Sykesville
April	05-07, 2011	Sykesville	November	01-03, 2011	Sykesville
June	07-09, 2011	Sykesville			

POLICE PATROL ALLOCATION AND WORKLOAD ANALYSIS (2 Days) - \$275.00 (Calculators Needed)

November 30–December 1, 2010	Sykesville	November 29-30, 2011	Sykesville
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MANAGING THE MARGINAL PERFORMER (2 Days) - \$140.00

March 09-10, 2011	Sykesville
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INTERVIEW AND INTERROGATION (2 Days) - \$100.00 (Mandated)/\$150.00 (Non-Mandated)

October 18-19, 2010	Sykesville
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WOMEN LEADERS IN PUBLIC SAFETY SERIES (1 DAY) – Sykesville

\$50.00 (Mandated)/\$75.00 (Non-Mandated)

Leadership & Management Skills for Women	June 3, 2011
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EXECUTIVE SEMINARS (1 DAY) - \$50.00 (Mandated)/\$75.00 (Non-Mandated)

Mentoring vs. Coaching	Sep	10, 2010	Sykesville
Challenging Written Communications	Oct	01, 2010	Sykesville
Skills for Leaders			
Strengthening Your Supervisory Skills	Nov	12, 2010	Sykesville
Dealing with Difficult Employees	Jan	28, 2011	Sykesville
Preparing to Assume a Management Position	Feb	25, 2011	Sykesville
Managing Multiple Priorities	Mar	18, 2011	Sykesville
Goal Setting for Managers: An Introduction	Apr	01, 2011	Sykesville
Effective Leadership	May	13, 2011	Sykesville

Please note: There is a charge for all of the above programs. Additional information including exact location and directions will be provided upon confirmation. All payments must be made a week prior to class. For additional information, contact Ms. Terry Satterfield at 410-875-3574. On-line registration is now available on www.mdle.net.

FOUNDATIONS OF LEADERSHIP

This coming October, the Executive Development Institute will introduce ***Foundations of Leadership***, a new, comprehensive leadership development program designed especially for Adult Public Safety Administrators at the rank of First-Line Administrator or above. The program offers a challenging professional development experience based on leadership principles and best practices essential for meeting organizational challenges in the 21st Century.

Based on a Collaborative Learning Model, participants will work together in small cohorts throughout the program, discussing critical leadership issues, conducting research, engaging in classroom exercises and self-assessment activities, and identifying solutions to real-world challenges through simulations, case studies, and on-the-job assignments.

The program commences on October 20-21, 2010 with a two-day retreat, *Leadership from the In-*

side Out, and continues with monthly, full-day training sessions through May, 2011. The retreat and all training sessions will be held at the Public Safety Training and Education Center in Sykesville.

The program is limited to 25 participants and applicants to the program must be recommended by their supervisors.

Detailed information about the program, including registration information, will be posted in mid-June on the MDLE.net website. Pre-registration will begin July 1.

-Michael Edwards, Executive Development Institute

Leading Self ... Leading Others

**APPROVED TRAINING - POLICE**

TRAINING PROGRAMS APPROVED BY THE POLICE AND CORRECTIONAL TRAINING COMMISSIONS

"Approval Number" indicates that the program meets the criteria established by the Police Training Commission or the Correctional Training Commission for a mandated course of instruction or in-service training. An approved course number may be used by an agency other than the listed agency if the content and testing strategies are the same and the instruction is provided by a PCTC certified or approved instructor. The accuracy and correctness of the instructional content is the responsibility of the instructor and/or the sponsoring agency and not that of the Police and Correctional Training Commissions.

AGENCY	PROG. APPR#	Course Title	TYPE	HOURS	APPROVED	EXPIRES
Baltimore City Police Academy	P17518	Entrance Level - Baltimore City Police Academy	Entry Level	1354.50	7/13/2010	7/13/2011
Baltimore City Police	P17509	Baltimore Police Department Sergeants Leadership T	Inservice	18.00	7/07/2010	7/07/2013
Baltimore City Police	P17510	Baltimore Police Department Sergeants Leadership T	Supervisor	62.00	7/07/2010	7/07/2013
Baltimore County Police Training Acad.	P17516	Entrance Level - Baltimore County Police Academy	Entry Level	1024.00	6/19/2010	6/19/2011
Baltimore County Police	P17919	Basic SWAT School	Inservice	120.00	7/16/2010	7/16/2013
Bel Air Police	P17491	The Leadership School	Inservice	21.00	6/22/2010	6/22/2013
Caroline County Detention Center	P17497	Internal Affairs	Inservice	24.00	6/25/2010	6/25/2013
Cecil County Sheriff	P17517	Responding to Sexual Violence	Inservice	6.00	7/13/2010	7/13/2013
Cumberland Police	P17499	Inside the Mind of a Teenage Killer	Inservice	3.00	6/29/2010	6/29/2013
Cumberland Police	P17500	Juvenile Crime/Gangs	Inservice	3.00	6/29/2010	6/29/2013
Denton Police	P17493	LAP-In-Service	Inservice	2.00	6/22/2010	6/22/2013
Harford County Sheriff	P17498	Basic Police Instructor School	Inservice	33.00	6/29/2010	6/29/2013
Howard County Police	P17486	Sex Crimes Update	Inservice	1.50	6/22/2010	6/22/2013
Maryland Crime Victim's Resource Center	P17526	Your Duty to Crime Victims: Know the Right, Do the	Inservice	1.50	7/20/2010	7/20/2013
Maryland State Police	P17511	5-Day Trooper Recertification Program	Inservice	35.00	7/07/2010	7/07/2013
Maryland State Police	P17512	Street Investigation of Vehicle Theft	Inservice	14.00	7/07/2010	7/07/2013
Maryland Transportation Auth. Police	P17501	Conducting Administrative Investigations-Internal	Inservice	4.00	6/29/2010	6/29/2013
MD Police & Corr. Training Commissions	P17495	Aegis Mark 63 Trident Train-the-Trainer	Inservice	7.00	6/21/2010	6/21/2010
MD Police & Corr. Training Commissions	P17487	Challenging Written Communication Skills for Leade	Inservice	6.00	6/22/2010	6/22/2013
MD Police & Corr. Training Commissions	P17494	Child First/Finding Words	Inservice	35.00	6/23/2010	6/23/2013
MD Police & Corr. Training Commissions	P17514	Law Enforcement Protective Measures - PER-264	Inservice	8.00	7/08/2010	7/08/2013
MD Police & Corr. Training Commissions	P17490	Lesson Plan Development - A Review	Inservice	7.00	6/22/2010	6/22/2013
MD Police & Corr. Training Commissions	P17505	Offsite Supervision - What to Do When You Don't Se	Inservice	6.00	6/30/2010	6/30/2013
MNCPP - Montgomery County Division	P17496	Supervisory Leadership Liabilities Course	Inservice	8.00	6/25/2010	6/25/2013
Ocean Pines Police	P17506	Elder Abuse Training	Inservice	16.00	6/30/2010	6/30/2013
Peninsula Mental Health Services	P17507	Advancements in Safeguarding Law Enforcement Follo	Inservice	6.00	6/30/2010	6/30/2013
Police Training Services	P17513	Interviews, Body Language & Eye Accessing Techniqu	Inservice	8.00	7/08/2010	7/08/2013
Prince George's County Police	P17489	Police Mountain Bike Patrol	Inservice	40.00	6/22/2010	6/22/2013
Somerset County Sheriff	P17520	Simunition Training/Dynamic Room Entry	Inservice	8.00	7/19/2010	7/19/2013
Somerset County Sheriff	P17519	Simunition Training/Force on Force	Inservice	8.00	7/19/2010	7/19/2013
Southern Maryland Criminal Justice Acad.	P17492	Entrance Level - SMCJA	Entry Level	1027.50	6/22/2010	6/22/2011
Southern Maryland Criminal Justice Acad.	P17485	Law Enforcement Officers Flying Armed	Inservice	2.00	6/16/2010	6/16/2013
Thurmont Police	P17508	RADAR Operator Certification	Inservice	8.00	7/01/2010	7/01/2013
University of MD College Park Police	P17504	2010 In-Service Training	Inservice	16.00	6/30/2010	6/30/2013
Washington Metro Transit Academy	P17503	Comparative Compliance - Washington Metro	Entry Level	280.00	6/29/2010	6/29/2011
Washington Metro Transit Police	P17515	MTDP-In-Service Refresher Course Day 2	Inservice	10.00	7/12/2010	7/12/2013
Westminster Police	P17523	Bloodborne Pathogens	Inservice	1.00	7/19/2010	7/19/2013
Westminster Police	P17521	Criminal/Traffic Law Update	Inservice	2.00	7/19/2010	7/19/2013
Westminster Police	P17525	Gang Review	Inservice	1.00	7/19/2010	7/19/2013
Westminster Police	P17522	Hazardous Materials	Inservice	1.00	7/19/2010	7/19/2013
Westminster Police	P17524	OC Recertification	Inservice	2.00	7/19/2010	7/19/2013

**APPROVED TRAINING - CORRECTIONS**

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AGENCY	PROG.	APPR# Course Title	TYPE	HOURS	APPROVED	EXPIRES
Anne Arundel County Dept. of Det. Fac.	C11101	Case Mngmt Trng/Phase 1/Supervisors	Inservice	6.75	7/23/2010	7/23/2013
Anne Arundel County Dept. of Det. Fac.	C11102	Case Mngmt/Phase 1/Case Mngrs	Inservice	6.75	7/23/2010	7/23/2013
Carroll County Detention Center	C11104	Dealing with Inmate Hunger Strikes	Inservice	2.00	7/23/2010	7/23/2013
Carroll County Detention Center	C11069	Hazardous Materials Awareness	Inservice	2.00	6/24/2010	6/24/2010
DPSCS Professional Development & Training	C11075	CELTP 11-02	Entry Level	194.00	7/23/2010	7/23/2013
DPSCS Professional Development & Training	C11077	CELTP 11-03	Entry Level	194.00	7/23/2010	7/23/2013
DPSCS Professional Development & Training	C11078	CELTP/14 day	Entry Level	105.00	7/23/2010	7/23/2013
DPSCS Professional Development & Training	C11090	Entry Level 11-01/26 day	Entry Level	194.00	6/30/2010	6/30/2013



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AGENCY	PROG.	APPR# Course Title	TYPE	HOURS	APPROVED	EXPIRES
DPSCS Professional Development & Training	C11091	Entry Level Program/14 day	Entry Level	105.00	6/30/2010	6/30/2013
DPSCS Professional Development & Training	C11100	Sexual Harassment/EEO Topics	Inservice	6.00	7/23/2010	7/23/2013
Hagerstown Regional Correctional Academy	C11070	Entrance Level Program	Entry Level	194.00	6/23/2010	6/23/2013
Hagerstown Regional Correctional Academy	C11071	Entrance Level Training Program	Entry Level	105.00	6/23/2010	6/23/2013
Maryland Dept. of Juvenile Services	C11083	Basics of Gender Responsive Svcs Mod 1	Inservice	15.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11081	Behavior Management	Inservice	7.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11-96	Behavior Management-Refresher	Inservice	2.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11106	Behavior Management/Facility Specific	Inservice	4.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11082	Behavior Observation and Recording	Inservice	7.50	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11095	Community Resources	Inservice	3.50	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11098	DJS ELT/YS & RA Program	Entry Level	210.00	7/12/2010	7/12/2013
Maryland Dept. of Juvenile Services	C11072	DJS Entry Level/YS,RA/Part 1	Entry Level	86.50	6/25/2010	6/25/2013
Maryland Dept. of Juvenile Services	C11096	DJS-ELT/CMS	Entry Level	203.00	7/12/2010	7/12/2013
Maryland Dept. of Juvenile Services	C11097	DJS-ELT/SS	Entry Level	156.00	7/12/2010	7/12/2013
Maryland Dept. of Juvenile Services	C11105	DJS/ELT	Entry Level	86.50	7/06/2010	7/06/2013
Maryland Dept. of Juvenile Services	C11089	Fair Square & Legal/Fair Practices & EEO	Inservice	3.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11088	Fire Safety Training	Inservice	2.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11094	Intro to Program Evaluation	Inservice	3.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11080	Juvenile Mental Health Issues	Inservice	7.50	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11079	Leadership in Youth Corrections	Inservice	4.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11086	Program App/Enhanced Trng - Mod IV	Inservice	15.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11092	Recognizing & Rptng Child Abuse/Neglect	Inservice	4.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11087	Safety and Security Course	Inservice	22.50	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11093	SASSI	Inservice	6.00	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11085	Somatic & Mental Hlth of Girls- Mod II	Inservice	22.50	7/23/2010	7/23/2013
Maryland Dept. of Juvenile Services	C11084	Strategies for Sustaining/Imm Trng Mod II	Inservice	22.50	7/23/2010	7/23/2013
Maryland Division of Parole & Probation	C11074	Airborne & Bloodborne T4T	Inservice	6.00	7/20/2010	7/20/2013
Maryland Division of Parole & Probation	C11103	DDMP Monitoring Policy Overview	Inservice	18.00	7/23/2010	7/23/2013
Maryland Division of Parole & Probation	C11099	Interstate Compact Procedures	Inservice	6.00	7/23/2010	7/23/2013
Montgomery County Detention Center	C11073	PREA	Inservice	2.00	7/06/2010	7/06/2013

Police and Correctional Training Commissions
6852 4th Street
Sykesville, Maryland 21784-7433

